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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,212	01/16/2004	Kohji Sakai	247061US2	5721
22850 7590 12/26/2006 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PHAN, JAMES	
			ART UNIT	PAPER NUMBER
			2872	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/26/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,212

Applicant(s)

SAKAI, KOHJI

Examiner

James Phan

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-4,8-10 and 12-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/31/05;4/16/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/31/05 and 4/16/04 have been considered by the examiner.

Claim Rejections - 35 USC § 112

Claims 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitations "the light sources", "the deflecting units" and "the scanning optical elements" in lines 2, 4 and 6, respectively. There is insufficient antecedent basis for each of these limitations in the claim. Claim 7 is rejected in that it is dependent on the indefinite claim and thus inherits the deficiencies above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiyohara et al.

Kiyohara et al discloses an image forming apparatus comprising a photoreceptor (12); an optical scanner having a light source (2), a deflecting unit (9), a scanning optical element (11); and a synchronous detector including a photoreceiver (17) and a synchronous optical element (15) that focus the light beam deflected by the deflecting unit onto the photoreceiver (see Figs. 1-2), wherein the synchronous optical element satisfies a relationship $f_m < f_d$, where f_m is a composite focal length of the scanning optical element in a main scanning direction, and f_d is a composite focal length of the synchronous optical element in the main scanning direction (see column 8, lines 51-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyohara et al in view of Yoshizawa.

In regard to claim 6, Kiyohara et al discloses an optical scanner having all the features discussed above except for the use of a plurality of light sources, a plurality of deflecting units, and a plurality of scanning optical elements. However, such use is well

known in the art. Yoshizawa discloses an optical scanner having light sources (10-C,10-M), deflecting units (3u,3d) and scanning optical elements (4-C,4M); each of the scanning optical elements focuses the light beam deflected by a corresponding one of the deflecting unit onto a corresponding one of a surface (1C,1M) to be scanned (see Fig. 3 and the accompanying text, also see Fig. 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Yoshizawa in Kiyohara et al by using a plurality of light sources, a plurality of deflecting units, and a plurality of scanning optical elements so as to form a multi-beam scanner so as to reduce scanning time.

In regard to claim 7, see the arrangement of the identical scanning optical elements 4-C and 4-M in Fig. 3.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyohara et al in view of Ishihara et al.

Kiyohara et al discloses an optical scanner having all the features discussed above except for the use of a plurality of light sources, a plurality of deflecting units, and a plurality of scanning optical elements. However, the use of a plurality of optical scanners each having a light source, a deflecting unit, and a scanning optical element in an image forming apparatus is well known in the art. Ishihara et al discloses the use of a plurality of optical scanners (111,112,113,114) each having a light source (1), a deflecting unit (5) and a scanning optical element (61) in an image forming apparatus (see Figs. 1A and 8, and paragraph 0159). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of

Ishihara et al in Kiyohara et al by using a plurality of optical scanners each has the structure of the optical scanner disclosed in Kiyohara et al so as to form a color image apparatus.

Allowable Subject Matter

Claims 2-4, 8-10 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

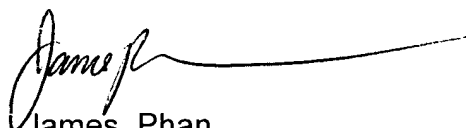
The following is a statement of reasons for the indication of allowable subject matter: none of the cited references teaches or fairly suggests the claimed invention having the combined features defined in each of claims 2-4, 8-10 and 12-14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James Phan
Primary Examiner
Art Unit 2872

JP
Dec. 2006